

**Minutes of Land Use, Parks and Environment Committee**  
**Tuesday, July 17, 2012**

Chair Jim Heinrich called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

**Committee Present:** Supervisors Jim Heinrich (Chair), Jim Batzko, Walter Kolb, Pamela Meyer, Fritz Ruf, and Peter Wolff. **Absent:** Tom Schellinger.

**Also Present:** Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Planning and Zoning Manager Jason Fruth, Enterprise Operations Manager Dave Burch, Park System Manager Duane Grimm, Land Resources Manager Perry Lindquist, Journal Sentinel Reporter Laurel Walker, Senior Budget Analyst Clara Daniels, and Town of Brookfield Building and Zoning Administrator Gary Lake.

**Approve Minutes of June 19, 2012**

MOTION: Ruf moved, second by Batzko, to approve the minutes of June 19, 2012. Motion carried 6-0.

**Correspondence**

- Letter to County Board Chairman from the State Department of Natural Resources regarding the proposed state purchase of 136.35 acres of land for the Paradise Valley Wildlife Area in the Town of Ottawa. (dated 6/25/12)
- Letter to County Board Chairman and Supervisors from SEWRPC regarding an amendment to the regional water quality management plan pertaining to a change in the City of New Berlin sanitary sewer service area tributary to the Milwaukee Metropolitan Sewerage District sewerage system (dated 6/29/12).

**Future Meeting Date**

- August 21, 2012

**Legislative Update**

Spaeth reported that she plans to attend the 911 study committee meeting in Madison next Thursday and will provide an update at the next meeting.

**Ordinance 167-O-021: Amend The District Zoning Map Of The Waukesha County Shoreland And Floodland Protection Ordinance And The Waukesha County Zoning Code For The Town Of Ottawa By Conditionally Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 17 And The SE ¼ Of Section 8, T6N, R17E, Town Of Ottawa, Waukesha County, Wisconsin, From The A-P Agricultural Land Preservation District To The RRD-5 Rural Residential Density 5 And C-1 Conservancy Districts (SCZ-1735)**

Fruth reviewed this ordinance which approves a zoning amendment to allow for the creation of two, three-lot certified survey maps in the Town of Ottawa. The six single-family residential lots would range between 5 and 20 acres in size.

Fruth pointed out the location of the subject 65-acre property on an aerial view photograph. The request is to rezone the property from the A-P Agricultural Land Preservation and C-1 Conservancy Districts to the RRD-5 Rural Residential Density District 5 and C-1 Conservancy Districts. It does not appear that the proposed building sites are vulnerable to floodplain areas. Planning and zoning staff recommend approval with the following conditions:

- A requirement that there shall be no more than six parcels.
- Documentation is required on any proposed land division documents indicating that a maximum of six parcels are allowed on the subject 65 acres.

Meyer asked where the driveways for these six proposed lots would be located. Fruth stated this is the rezone stage where that level of specificity is not addressed. Fruth recalled there was a proposal of shared driveways on the northern part of the development. Ultimately the Town of Ottawa would have the final say on how many access points would be allowed. Meyer voiced opposition to allowing shared driveways due to possible future disagreements with regard to maintenance and upkeep.

MOTION: Ruf moved, second by Wolff to approve Ordinance 167-O-021. Motion carried 6-0.

**Ordinance 167-O-022: Amend The Text Of The Town Of Delafield Zoning Code To Repeal And Recreate Sections 17.04 5.A.5.d, 17.04 5.B.5.d, 17.04 5.H.5.d And 17.04 5.I.5.d Of The Town Of Delafield Zoning Ordinance Relating To Open Space Requirements For The R-1, R-1A, A-2 And A-3 Zoning Districts (ZT-1738)**

Fruth discussed this ordinance which amends the Town of Delafield Zoning Code relative to the open space requirements of the R-1, R-1A, A-2 and A-3 zoning districts (one-acre to three-acre minimum lot sizes). The current open space requirements are 92% in the A-2 district and 90% in the R-1, R-1A and A-3 districts. The proposed change to 85% open space matches the baseline impervious surface requirements of NR115, which allows for a maximum of 15% impervious surface and provides for up to 30% impervious surface if mitigation is done within shoreland areas.

MOTION: Ruf moved, second by Wolff to approve Ordinance 167-O-022. Motion carried 6-0.

**Ordinance 167-O-023: Amend The Waukesha County Shoreland And Floodland Protection Ordinance By Repealing And Recreating Section 27(D) And 27(E) Relating To Offset And Height For Accessory Buildings In The P-I Public And Institutional District (SZ-1459G)**

Fruth discussed this ordinance which repeals and recreates sections of the Waukesha County Shoreland and Floodland Protection Ordinance relating to offset and height for accessory buildings in the P-I Public and Institutional District. Fruth indicated that the proposed minor text amendments are a result of the Town of Genesee approaching the County to obtain a variance. Planning and zoning staff suggested that bringing forth a request for text amendments would be more appropriate and recommend approval of the proposed request. The amendments will provide for more practical height and offset regulations for accessory buildings. Ordinance 167-O-024 proposes to amend the Waukesha County Zoning Code to be consistent with the Shoreland and Floodland Protection Ordinance.

MOTION: Kolb moved, second by Batzko to approve Ordinance 167-O-023. Motion carried 6-0.

**Ordinance 167-O-024: Amend The Waukesha County Zoning Code By Repealing And Recreating Sections 12.04 And 12.05 Relating To Offset And Height For Accessory Buildings In The P-I Public And Institutional District And Section 3.08(7)(N) Relating To The Addition Of The B-2 Local Business District To The List Of Zoning Districts In The Multi-Family Units Conditional Use Section (CZ-1459F)**

Fruth discussed this ordinance which amends the Waukesha County Zoning Code relating to offset and height for accessory buildings as discussed in Ordinance 167-O-023. This Ordinance also amends the Multi-Family Units Conditional Use Section of the Waukesha County Zoning Code to allow for multi-family use as a Conditional Use within the B-2 Local Business District; this amendment was adopted in the Shoreland and Floodland Protection Ordinance in 2010. Planning and zoning staff recommend approval of the proposed text amendments request. The amendments will provide for more practical height and offset regulations for accessory buildings in the P-I District and will provide consistency between the Multi Family Use Section of the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance.

MOTION: Wolff moved, second by Ruf to approve Ordinance 167-O-024. Motion carried 6-0.

**Ordinance 167-O-032: Amend The District Zoning Map Of The Town Of Brookfield Zoning Code By Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 29 And The NW ¼ Of Section 32, T7N, R20E, Town Of Brookfield, Waukesha County, Wisconsin, From The B-2 Limited General Business And M-2 General Manufacturing Districts To The MU Mixed Use District (ZT-1737)**

Fruth discussed this ordinance which rezones 22 properties in the Town of Brookfield from the B-2 Limited General Business and M-2 General Manufacturing Districts to the MU Mixed Use District. He pointed out the subject area (located south of Bluemound Road, north of I-94, east of Barker Road and west of Janacek Road) on an aerial photograph. There is a large developmental proposal for this area for a mixed-use project which includes a Von Maur department store. A number of properties that are subject of the rezoning are currently vacant, including the former Menard's store and Marcus theater sites. The mixed-use designation would allow greater flexibility for retail, professional office and residential development opportunities.

Lake spoke on behalf of the Town of Waukesha. He addressed issues related to existing car dealerships and industrial/manufacturing uses in the subject area. The Town's implementation strategy and plan for the area, which was prepared in 2006, includes rezoning that would transition away from manufacturing and other uses, including automotive, to higher density uses with less space devoted to parking, etc. The goal of the plan is to build up, not out.

Fruth explained that planning and zoning staff recommend the rezone request be approved as submitted. Staff feels the change is appropriate. The proposed request complies with the Waukesha County Development Plan and the Town of Brookfield Land Use Plan, as the subject lands are designated in the Mixed Use category in both plans.

MOTION: Wolff moved, second by Ruf to approve Ordinance 167-O-032. Motion carried 6-0.

**Ordinance 167-O-020: Accept Cost- Share Partnership Agreement For Golf Course Project Enhancements And Promotions**

Burch was present to discuss this ordinance which accepts a cost-share agreement with Beer Capitol Distributing Company to assist in golf scorecard printing and for enhancements to the 2012 budgeted Naga-Waukee Golf Course clubhouse deck/golf cart storage project. In exchange for advertising of their business on the score cards and signage in the deck area, Beer Capitol Distributing has offered and agreed to a cost-share partnership over the next five years as follows:

- \$2,000 per year (2012-2016) to assist with an estimated 50% cost share for printing of scorecards, totaling \$10,000 over the life of the agreement
- \$3,000 per year (2012-2016) for a total of \$15,000 to augment the existing budgeted funds for the clubhouse deck/golf cart storage project. Their contribution would provide amenities such as umbrellas, an outdoor grilling and serving area, energy efficient lighting and landscaping.

Burch provided an overview of the scope of the deck/cart storage project. The proposed design will include removal and replacement of the deck concrete, adding an improved waterproofing system for the golf cart storage, creating a more inviting deck surface and adding a shade structure over the deck/patio area. The project will enhance and improve conditions for events and outings, thereby creating a chance to generate additional revenues.

MOTION: Kolb moved, second by Ruf to approve Ordinance 167-O-020. Motion carried 6-0.

### **Overview of Park and Open Space Plan and Master Planning Process**

Grimm presented an overview of the Park and Open Space Plan, Appendix A of the Waukesha County Comprehensive Development Plan. The Park and Open Space Plan was last updated in 2009. It is a vital component required to obtain federal and state grant funding. The plan creates a guideline for future acquisitions, preservation of land and development and operation and maintenance of the Waukesha County Park System. The plan is used to make park, recreation and open space decisions in such areas as bike paths/trails, greenways along major rivers and streams, special use areas such as the Retzer Nature Center, Expo Center, golf courses, ice arenas and the courthouse/administration center campus grounds.

Burch presented an overview of the park master planning process, which sets a vision for not only the parks but for the facilities within the parks. Master planning sets mutual expectations, guides and prioritizes improvements and enhancements, determines uses and facility development, and establishes property management goals. The master plan process includes the following elements:

- Inventory of existing conditions
- Preparation of alternative concepts
- Discussion of advantages and or disadvantages
- Review potential expenses/revenues/grant opportunities/volunteers
- Public expectations and partnerships
- Public information and education

Burch continued with a review of current park projects in the design and construction phases.

### **Overview of Natural Land Management Element of Master Plan**

Grimm outlined the efforts being put forth in the parks system to build sustainability and improve maintenance processes. As an example, the following guidelines were considered in the development of Fox River Park:

- Development of picnic and use areas and remaining areas left naturalized
- Enhanced park with additional tree plantings
- Protecting the environmental corridor through limited development of the park areas
- County trail connectivity to City of Waukesha trails
- River access (observation platforms)
- Natural play area
- Improved shelter buildings

Grimm discussed land management zones which designate the various types of habitat that is being protected. Each type of land management zone requires different seasonal maintenance and upkeep by park system staff. Volunteers are utilized extensively for natural land management activities within the parks. A number of groups volunteer throughout the year to assist in current projects going on within the Park System, such as tree/flower plantings, trail wood chipping, invasive species removal and park clean-up projects. Volunteers also work at the Retzer Nature Center (mailings, special events, teacher naturalists) and other assist with various activities and special events in the parks. Huber inmate volunteers also provide services such as planting, mowing, picking litter, watering, cleaning vehicles, raking bunkers, brush cutting, etc.

### **Ordinance 167-O-019: Millpointer Property Acquisition**

Grimm was present to discuss this ordinance which allows Waukesha County to purchase a 9.42 acre parcel in the Village of Nashotah. The property is included in the Park and Open Space Plan for Waukesha County. The funding for the purchase would come from the Walter J. Tarmann Parkland Acquisition Fund; however, the 2012 Tarmann Fund balance is about \$420,000 or \$70,000 less than what is needed to acquire the subject property. This ordinance also authorizes the appropriation of \$70,000 of additional expenditure appropriations

to purchase the property, to be funded from Tarmann Fund balance reserves. The County will request a letter of retroactivity from the Department of Natural Resources for grant reimbursement for partial funding of this acquisition.

Grimm explained there is a house on this property, originally built in 1955. Through a residential use agreement, the present owner would be allowed to live in the house on the subject property for up to five years. The County would not be responsible for any home maintenance expenses during that period. After the owner vacates the house, it will likely be torn down and a boat launch will be constructed to provide public access to Forest Lake.

Grimm noted that Tarmann fund expenditures are funded at \$1 million per year. In 2011, no purchases were made. The total Tarmann fund balance reserve is an estimated \$5 million.

MOTION: Ruf moved, second by Meyer to approve Ordinance 167-O-019. Motion carried: 6-0.

**Resolution 167-R-001: Approve The Waukesha County Land And Water Resource Management Plan: 2012 Update**

Lindquist was present to discuss this resolution which approves the Waukesha County Land and Water Resource Management (LWRM) Plan 2012 Update. This state mandated plan is intended to guide local conservation program efforts to protect and improve local land and water resources for the next 10 years. The plan must describe how Waukesha County will help meet federal and state clean water goals while addressing other local natural resource issues. Lindquist presented a comprehensive PowerPoint presentation which covered the various elements of the plan:

- LWRM planning process and how it relates to other local plans and natural resource programs.
- Review of the state of natural resources in Waukesha County, including the classification of various soil and water resources and an evaluation of the major watersheds in the county.
- LWRM Plan for Waukesha County: The first LWRM plan was adopted by the Waukesha County Board in 1999 as a prototype for the redesigned state program. The second generation LWRM Plan was adopted by the County Board in 2006 and is being updated through this document.
- Planning process and goals with the percentage of Land Resources Division staff time allocated to each goal:
  1. Control urban runoff pollution and flooding (41%)
  2. Protect the quality and quantity of groundwater (6%)
  3. Control agricultural runoff pollution (13%)
  4. Educate the public on conservation issues (19%)
  5. Preserve targeted farmland and natural areas (4%)
  6. Support water monitoring and improve public access to water resource data (14%)
  7. Reclaim active nonmetallic mining sites (3%)
- Impediments to plan implementation
  1. Excessive agricultural cost-sharing mandates
  2. Cannot require compliance without cost-sharing
  3. Cost-sharing dollars complete with staffing dollars
- Monitoring & evaluation
  1. 10-year LWRM plan
  2. 3-year strategic plan
  3. Annual budget/staff goals
  4. Water quality monitoring (limited)

5. GIS/database tracking systems
6. Plan activity tracking and reporting
- LWRM Plan summary
  1. Diverse/challenging/urban focus
  2. Limited resources (5.8 FTE)
  3. Lays the foundation for more detailed annual planning
  4. Concerned about future funding and program sustainability

In response to Ruf's request, Lindquist stated he would make copies of his presentation available to the committee members.

MOTION: Wolff moved, second by Kolb to approve Resolution 167-R-001. Motion carried 6-0.

MOTION: Kolb moved, second by Batzko to adjourn at 11:07 a.m. Motion carried 6-0.

Respectfully submitted,

Pamela Meyer  
Secretary